

**BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of
Steven P. Bergerson, EMR
Registration No. 505195

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Steven P. Bergerson, EMR ("Respondent"), and the Minnesota Emergency Medical Services Regulatory Board Complaint Review Panel ("Complaint Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Emergency Medical Services Regulatory Board ("Board") is authorized pursuant to Minnesota Statutes sections 144E.001 to 144E.52 to register, certify, and regulate emergency medical services providers and to take disciplinary action as appropriate.

2. Respondent holds a registration from the Board to practice emergency medical services in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

BACKGROUND

3. Following a thorough review of all available information, the Complaint Review Panel determined the matter could be resolved by mail with a Stipulation and Consent Order for the suspension of Respondent's registration.

4. Respondent was advised by the Board's representatives that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

Gregory J. Schaefer, Assistant Attorney General, represents the Complaint Review Panel in this matter.

III.

FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. Respondent was registered as an emergency medical responder in Minnesota on December 11, 1998.

b. In 2013 and 2014, Respondent taught three emergency medical responder courses without obtaining Board approval and without successfully completing an initial Board-approved emergency medical responder education program.

IV.

LAWS

6. Respondent acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 144E.27, subdivisions 1(a) (all education programs for an emergency medical responder must be approved by the Board) and 2(1) (must successfully complete a Board-approved initial emergency medical responder education program), and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

7. The Board **REPRIMANDS** Respondent for the conduct referenced in section III. above.

8. The Board **LIMITS** Respondent's registration as follows: Respondent shall not teach or provide instruction in any educational program for emergency medical services and shall not imply by words or conduct that Respondent is authorized to teach or provide instruction in courses related to emergency medical services.

9. The limitation on Respondent's registration may be administratively removed following 24 months from the date of this Order. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that he is capable of practicing and providing emergency medical services instruction in a fit and competent manner. Respondent shall provide any additional relevant information reasonably requested by the Complaint Review Panel. Respondent shall meet all registration requirements in effect at the time of his request to remove the limitation from his registration, including completing any necessary emergency medical responder refresher courses.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

10. It is Respondent's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States Mail, courier, or personal delivery only.

11. If Respondent fails to comply with or violates this Stipulation and Consent Order, the Complaint Review Panel may, in its discretion, seek additional discipline either by initiating

a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Complaint Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Complaint Review Panel shall mail Respondent a notice of the violation(s) alleged by the Complaint Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Complaint Review Panel, in its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Complaint Review Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Complaint Review Panel and Respondent may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Complaint Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Respondent has failed to submit a timely response to the allegations, Respondent may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Respondent waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Respondent's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's

authority to impose discipline for the violation. A decision by the Complaint Review Panel not to seek discipline when it first learns of a violation shall not waive the Complaint Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Respondent's registration is in a suspended status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Respondent's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Respondent's registration.

f. Nothing herein shall limit the Complaint Review Panel's or the Board's right to temporarily suspend Respondent's registration pursuant to Minnesota Statutes section 144E.27, subdivision 6, based on a violation of this Stipulation and Consent Order or based on conduct of Respondent not specifically referred to herein.

VII.

ADDITIONAL INFORMATION

12. Within ten days of execution of this Stipulation and Consent Order, Respondent shall provide the Board with the names of all states in which Respondent is registered to practice emergency medical services or has applied for registration or certification as an emergency medical services provider.

13. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or rules.

14. Respondent waives any claims against the Board, the Minnesota Attorney General's Office, the State of Minnesota, and their agents, employees, and representatives related

to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Respondent.

15. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

16. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

17. Respondent has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Respondent is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

18. Respondent agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

19. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

20. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Therefore, employers and other individuals will be able to see this entire Stipulation and Consent Order by searching Respondent's name on the Board's website, or by requesting a copy of this Stipulation and Consent Order from the Board. Data regarding this action will be provided to data banks as required by federal law and consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensing agency, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

21. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

EMERGENCY MEDICAL SERVICES
REGULATORY BOARD
COMPLAINT REVIEW PANEL


STEVEN P. BERGERSON, EMR
Respondent

Dated: 5-13-2016


MATTHEW SIMPSON
Board Member

Dated: 5.19.2016

ORDER

Upon consideration of the Stipulation, the Board issues a **REPRIMAND** to Respondent, places Respondent's registration in a **LIMITED** status, and adopts all of the terms described above on this 12 day of May, 2016.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD


ANTHONY SPECTOR
Executive Director